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Security Council

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## Letter dated 23 July 2004 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to article 12 bis, paragraph 2, of the statute of the International Criminal Tribunal for Rwanda, which reads as follows:

> "In the event of a vacancy in the Chambers amongst the permanent judges elected or appointed in accordance with this article, after consultation with the Presidents of the Security Council and of the General Assembly, the Secretary-General shall appoint a person meeting the qualifications of article 12 of the present statute, for the remainder of the term of office concerned."

In this connection, I should like to inform you that Judge Asoka Gunawardena, a national of Sri Lanka, has resigned as a permanent judge of the International Tribunal, effected 30 June 2004.

The Government of Sri Lanka has presented the candidacy of the Judge J. Asoka de Silva, a national of Sri Lanka, to replace Judge Gunawardena. Please find attached his curriculum vitae (see annex).*

It is my view that Judge de Silva meets the qualifications that are prescribed in article 12 of the statue of the International Tribunal. I also consider that Judge de Silva's appointment would be well calculated to ensure adequate representation in the Tribunal of the principal legal systems of the world, as contemplated in paragraph 1 (c) of article 12 bis of the Tribunal's statute.

I should, therefore, like to proceed to consult with you on the appointment of Judge de Silva, in accordance with article 12 bis, paragraph 2, of the statute of the International Criminal Tribunal for Rwanda. I look forward to receiving your views on the matter.

(*Signed*) Kofi A. **Annan**

* The annex is being circulated in the language of submission only.

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# Annex

## Curriculum vitae

**Joseph Asoka Nihal de Silva**

**Personal**

Born: 17 May 1946

**Nationality**

Sri Lankan

**Qualifications**

**Academic**

Primary and secondary education at St. Anthony's College, Kandy, Sri Lanka

Bachelor of Laws, University of Ceylon, Colombo (LLB), 1971

Master of Laws, University of Colombo (LLM), 1982, in Administrative Law

Graduate course in criminology at the University of Illinois, 1987, including Muslim law, theories of punishment and comparative legal systems

Course in environmental law at the International Development Law Institute, Rome, 1992

Course in drafting commercial agreements at the University of London, 1995

**Professional**

Enrolled as an Attorney-at-Law of the Supreme Court in 1972

Joined the Attorney General's Department as a Crown Counsel in 1974, advancing to the position of Senior Deputy Solicitor General in 1995

Appointed as a Judge of the Court of Appeal in 1995 and made President of that Court in February 2001

Appointed as a Judge of the Supreme Court on 1 August 2001, the highest court in Sri Lanka

Presently functioning as a Senior Judge of the Supreme Court and presiding over most benches

**Experience**

In the Attorney General's Department, prosecuted in the original Courts

Represented the Attorney General in criminal appeals before the Court of Appeal and the Supreme Court

In the field of fundamental rights, appeared on behalf of police, armed forces and other governmental departments

Nominated on several occasions as a Judge Advocate at court martial proceedings

Appointed head of the Corporation Division of the Attorney General's Department

**Other qualifications**

Lecturer and Examiner of the Sri Lanka Law College, appointed by the Council of Legal Education

Visiting Lecturer, University of Colombo and University of Sri Jayawardenapura: 1985-1986

Member, National Dangerous Drugs Control Board: 1990-1992

Member, National Task Force to Formulate Environmental Policy

Represented Sri Lanka at the United Nations Conference on Environment and Development, Rio de Janeiro, Brazil, 1992

Attended several conferences of the South Asian Association for Regional Cooperation (SAARC) and the Law-Asia Conference

Attended conferences on refugee problems in New Delhi (1999) and Geneva (2000)

Attended course for senior judges in Australia organized by the International Development Law Organization

Followed a course in environmental law, International Development Law Institute, Rome, 1992

Followed a course in drafting commercial contracts and arbitration at the University of London, 1995